

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONALD DEAN YANDELL,

Plaintiff,

v.

DONALD WASHINGTON, et al.,

Defendants.

2:21-cv-00469 DAD AC

Plaintiff is a state prisoner proceeding pro se with a civil rights complaint pursuant to 42 U.S.C. § 1983. On August 15, 2024, plaintiff filed a motion for entry of default against defendants Jones, Luke, and Saika. ECF No. 67. Court records indicate that the U.S. Marshal mailed defendants a waiver of service of summons on July 10, 2024. Rule 4(d)(3) of the Federal Rules of Civil Procedure provides that a defendant shall file his or her appearance within sixty days from the date the waiver is mailed. Accordingly, plaintiff's request is premature and will be denied.

Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for entry of default is denied.

DATED: August 21, 2024

  
ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE